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10/625,752	07/23/2003	Steven Weinstein	TVW/APP23USC1	8134

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EXAMINER	
STOKELY-COLLINS, JASMINE N	
ART UNIT	PAPER NUMBER
4178	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/625,752	WEINSTEIN ET AL.	
	Examiner	Art Unit	
	JASMINE STOKELY-COLLINS	4178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 November 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11,13-16 and 18-22* is/are pending in the application.

4a) Of the above claim(s) *12 and 17* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11,13-16 and 18-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 November 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 11/14/2007 have been fully considered but they are not persuasive.

Regarding applicant's argument pertaining to limitation “broadcast information conforming to a user preference”, the combination of Shoff in view of Merriman results in Shoff’s link being broadcast along with a television signal and subsequently causing a webpage to be displayed. Merriman’s advertisements are selected based on how many times an ad has already been viewed by a user. Shoff's link qualifies as broadcast information conforming to a user preference because the link being broadcasted is associated with the television programming a user chooses to watch. Therefore, limitation “wherein said interactive information interface retrieves information from a network in response to the reception of broadcast information conforming to a user preference” is met by the combination of Shoff in view of Merriman.

Regarding applicant’s arguments pertaining to limitation “receiving personalized indicia within at least an out-of-band portion of a television signal”, Merriman teaches tracking links activated using cookies (personalized indicia). Shoff teaches sending hypertext in a separate channel from the broadcast. Furthermore, it is well-known in the art to use separate out-of-band channels to send data. It is well known in the art that cookies are send using hypertext protocol, therefore it would be obvious to include Merriman’s cookies with Shoff's hypertext in the separate channel.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-7, 9-11, 13-16, 19, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al (US 2005/0015815 A1) in view of Merriman et al (US 5,948,061).

Regarding claim 1, Shoff teaches an information system (figure 4 element 60), comprising:

a controller (figure 4 element 62: viewer computing unit), for generating an image representative signal adapted for use by a display device (pages 5-6 section 0066 evidence that the viewer computing unit must generate a display signal that represents a display layout as defined by digital data in a target resource);

a broadcast interface for applying broadcast information to a controller (figure 4 element 22: headend, and figure 4 element 74: network #1, page 4 secion 0052); and

an interactive information interface (figure 4 element 52: enhanced content server, figure 4 element 84: ISP host, figure 4 element 74: network #1, figure 4 element 82: network #2, figure 5 element 98: tuner, figure 5 element 100: modem/tuner, figure 5 element 106: browser) for applying interactive information to said controller (page 4 section 0052);

said controller including said broadcast information, said interactive information and a user selectable element in said image representative signal (page 5 section 0062) such that corresponding presented imagery (figure 8c) includes an interactive portion (figure 8c element 200), a broadcast portion (figure 8c element 210) and a user selectable element (figure 8c elements 212-221 and 232-237: soft buttons),

Shoff does not teach said interactive information interface retrieving information from a network in response to the reception of broadcast information conforming to a user preference.

Merriman teaches said interactive information interface retrieving information (advertisement) from a network in response to the reception of broadcast information conforming to a user preference (Shoff's internet links, associated with the show a user is watching, are broadcast over the same channel as the program, page 4 sections 0051-0052. Merriman's advertisements are selected based on websites/advertisements the user accesses, column 6 lines 12-59, which would be triggered by the reception of Shoff's links). It would have been obvious to one of ordinary skill in the art at the time the invention was

made to combine Merriman's invention with that of Shoff for the benefit of providing an efficient and effective way to advertise to an interactive television audience, and retrieving information that is tailored to each user.

Regarding claim 2, when read in light of claim 1, Shoff further teaches said user selectable element comprises a hyperlink having associated with it an object (page 5 section 0064);
said interactive information interface, in response to a selection of said hyperlink (page 5 section 0064), includes said object associated with said hyperlink within said interactive information (page 5 section 0066, page 6 section 0068).

Regarding claim 3, when read in light of claim 1, Shoff further teaches an input device for selecting said user selectable element, said input element comprising at least one of a keypad (keyboard), a pointing device (remote control handset, see figure 2 element 30) and a graphical user interface (page 5 section 0064).

Regarding claim 4, when read in light of claim 1, Merriman further teaches a method of delivering and monitoring advertising over a network, which can be implemented through Shoff's network #2 (figure 4 element 82, page 4 section 0050) via Shoff's modem (figure 5 element 100) and browser (figure 5 element 106) incorporated into his viewer computing unit. Merriman's contribution to

Shoff's network includes data memory for storing a user preference (database, column 5 lines 50-60).

Regarding claim 5, when read in light of claim 1, Shoff further teaches said interactive information interface comprises a network access device (figure 5 element 98: tuner, figure 5 element 100: modem/tuner).

Regarding claim 6, when read in light of claim 5, Shoff further teaches said network access device includes a web modem (figure 5 element 100: modem/tuner).

Regarding claim 7, when read in light of claim 1, Shoff further teaches said interactive portion of said imagery comprises objects retrieved from a network and displayed in a first image panel (page 6 section 0071, see figure 8b); and
said broadcast portion of said imagery comprises broadcast video imagery displayed in a second image panel (figure 8b element 210, page 6 section 0071).

Regarding claim 9, when read in light of claim 1, Shoff further teaches said user selectable element includes a control button for selecting a preference (soft button 217), said preference being used to determine how said broadcast

information is presented in relationship to said interactive information (page 6 section 0073, page 6 section 0078).

Regarding claim 10, when read in light of claim 7, Shoff further teaches said first image panel is used to display web content (page 6 section 0071 state that supplemental content is displayed in the remaining portion of the screen, and page 4 sections 0050-0051 teach web content being supplemental content).

Regarding claim 11, when read in light of claim 4, Merriman further teaches said user preference stored in said data memory (database) is accessible to at least a networked server (ad server) to which the preference relates (column 5 lines 50-60).

Regarding claim 13, when read in light of claim 7, Shoff further teaches said retrieved information is displayed in said first image panel (page 6 section 0071 state that supplemental content is displayed in the remaining portion of the screen, and page 4 sections 0050-0051 teach web content being supplemental content).

Regarding claim 14, when read in light of claim 1, Merriman further teaches data memory for storing a user preference (database, column 5 lines 50-60), said user preference being stored in said memory by a web site interacting

with said interactive information interface (ad server performs a reporting process, column 4 lines 20-24, column 4 lines 37-42).

Regarding claim 15, when read in light of claim 1, Merriman further teaches data memory (database) for storing a user preference, said user preference being stored in said memory in response to user interaction via said user selectable element (column 4 lines 37-42 state that the ad server updates a counter in the database each time a web-based ad is displayed, where column 7 lines 26-35 of Merriman teach presenting web content along with a program and column 9 lines 54-59 of Merriman teach accessing this content by user selection of an icon. This combination results in Shoff's user selecting an icon for interactive web-based content and receiving any advertisements which accompany that webpage. Merriman's ad server would then update the database counter to reflect whether an ad was seen).

Regarding claim 16, Shoff teaches a method of displaying information comprising:

initializing a display system (page 2 section 0019);

receiving selected web content (page 2 section 0017-19);

receiving broadcast content (page 2 section 0019);

formatting received web content and received broadcast content into video information (figure 8c, page 7 section 0080); and

displaying video information to simultaneously produce interactive information having a user selectable element (figure 8c element 237, page 7 section 0080) and a television broadcast (figure 8c).

Shoff does not teach receiving personalized indicia; and formatting received personalized indicia into video information;

Merriman teaches sending personalized indicia in the form of a web browser cookie (column 5 lines 18-28) in which the ad server (advertisers) use the collected information from the cookie for future delivering of targeted ads to corresponding user (column 5 line 65 – column 6 line 60). Regarding limitation "receiving personalized indicia within at least an out-of-band portion of a television signal", Shoff teaches sending supplementary content over a separate channel (page 4 section 0052), where supplementary content is in the form of hypertext. It is well known in the art that cookies are sent in this fashion, therefore it would be obvious to include Merriman's cookies in Shoff's broadcast, along with the hypertext.

Regarding claim 18, when read in light of claim 16, Merriman further teaches sending targeted advertisements to users based on user profiles and the number of times a user has been exposed to a particular advertisement (column 5 line 50-column 6 line 59), where cookies are used to determine and access this information (column 5 lines 19-21).

Regarding claim 19, when read in light of claim 16, Merriman further teaches said personalized indicia is a web browser cookie (column 5 lines 18-28).

Regarding claim 21, when read in light of claim 1, Shoff further teaches said user selectable element includes a control button (soft button 217: access/classified toggle) for selecting a preference, said preference being used to select from a set of predetermined display formats (access or classified) that determine how displayed broadcast information is presented in relationship to displayed interactive information (page 6 section 0073).

Regarding claim 22, when read in light of claim 1, Shoff further teaches said user selectable element includes a control button (entertainment button 220) for selecting a preference, said preference being used to alter a predetermined display format (classified) that determines how displayed broadcast information is presented in relationship to displayed interactive information (page 7 sections 0079-0080).

3. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al (US 2005/0015815 A1) in view of Merriman et al (US 5,948,061), and further in view of Nakano et al (US 5,745,109).

Regarding claim 8, when read in light of claim 7, Shoff in view of Merriman teaches the system of claim 7 where multiple panels are simultaneously displayed.

Shoff in view of Merriman does not disclose said first panel is at least partially transparent and overlaps said second panel.

Nakano teaches a first panel is at least partially transparent and overlaps a second panel (Figure 6A). It would have been obvious to one ordinarily skilled in the art, at the time the invention was made, to combine the teachings of Shoff and Nakano in order to see the broadcast image through the interactive window (as stated by Nakano column 5 lines 58-60).

4. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al (US 2005/0015815 A1) in view of Merriman et al (US 5,948,061), and further in view of Patterson (US 5,923,379).

Regarding claim 20, when read in light of claim 15, Shoff in view of Merriman discloses the system of claim 15.

Shoff in view of Merriman does not teach retrieving preferences and formatting the received selected web content and received broadcast content based on those preferences.

Patterson teaches a television and Internet content display interface that includes retrieving preferences and formatting the received selected web content

and received broadcast content based on those preferences (abstract, column 6 lines 9-13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Patterson with the system of Shoff in view of Merriman for the benefit of further personalizing the system to a user.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kaplan (US 6,058,430) teaches transmitting URLs in the vertical blanking interval of a television signal.

Slezak (US 6,006,257) teaches providing secondary programming based on a user's profile along with on-demand programming.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASMINE STOKELY-COLLINS whose telephone number is (571)270-3459. The examiner can normally be reached on M-Th 8:00-6:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hai Tran can be reached on 571-272-7305. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jasmine Stokely-Collins/
Examiner, Art Unit 4178
01/22/2008

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